REMARKS

Claims 1-6, 10-15, and 19-26 were pending in the application. In response to the final office action, applicants have amended claims 1-2, 11, and 20. Claims 1-6, 10-15, and 19-26 remain pending for reconsideration.

Claim 1 is amended editorially. Claims 2, 11, and 20 are amended to better define the claimed subject matter.

The present office action contains an editorial defect which renders the action ineffective. A new office action is respectfully requested to correct these matters and place the application in better condition for possible appeal. Namely, a § 103 rejection of claims 21-24 and a separate § 103 rejection of claim 24 appear to be editorial errors because claims 21-24 depend from claim 19, but the rejections do not take this into account (also claim 24 appears to be inadvertently included in the first group, i.e. it should be claims 21-23). Correction in a new office action is required.

Claims 1-2 and 10-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,539,887 (Vandergrift). Applicants respectfully traverse this rejection for the following reasons.

The Vandergrift reference fails to meet all the recitations of the claims.

Applicants presume that the Examiner would find the foregoing an incomplete response which does not advance the prosecution of the case. Applicants previously requested that the Examiner provide a complete analysis of the reference as applied to the claims. In the Examiner's response to applicants' arguments, the Examiner expresses regret for not providing a complete rejection. However, the Examiner again has declined to do so and makes another perfunctory rejection.

Applicants assure the Examiner that applicants are well skilled in the art and capable of reading the reference on the claims. Applicants presume that the Examiner is likewise capable of doing so, and have respectfully requested him to do so. However, applicants are not required to and are not inclined to guess as to how the Examiner is reading the reference. By failing to articulate his rejection, the Examiner creates a poor record for possible appeal and fails to advance the prosecution of the case.

The Examiner has the initial burden to establish anticipation by coming forth with sufficient evidence and analysis demonstrating how the cited reference discloses each and every claim recitation. The substance of the Examiner's rejection follows:

> First member 1 having semi-circular channel walls 3, 4 is interlaced with semi-circular channel walls 5, 7 of the second member.

Even upon cursory review, it is apparent that the Examiner has failed to meet the burden of establishing anticipation under 35 U.S.C. § 102. Namely, the Examiner has failed to read the reference on each and every claim recitation. According, the rejection is in error and should be withdrawn.

In the interest of actually advancing the prosecution of the present case, applicants note the following. Claims 1 and 10 each recite features relating to at least two fluid flow paths having different flow directions between the fluid inlet and the fluid outlet. The Examiner does not identify any such teaching the in the Vandergrift reference. Accordingly, the rejection fails.

Moreover, Vandergrift discloses only one flow direction between the ports 13 and 14. Every flow path in the passageway 8 flows in the same direction. The partition 12 would prevent flow in more than one direction. Perhaps the Examiner is of a different opinion or has a different analysis of how the Vandergrift reference reads on these claim recitations. However, because the Examiner has failed to articulate any position in this regard, the applicants have been deprived of a fair opportunity to reply. If the Examiner

disagrees with applicants' foregoing analysis of the Vandergrift reference, a new office action is respectfully requested so that applicants have a fair opportunity to reply and a clear issue may be developed for appeal.

Because the Examiner has not met the burden of establishing anticipation, and because Vandergrift fails to teach at least two fluid flow paths having different flow directions between the ports 13 and 14, claims 1 and 10 are patentable over Vandergrift. Dependent claims 2 and 11 are likewise patentable.

Claims 2 and 11, are separately patentable for at least the following reasons. Vandergrift does not teach or suggest the recited channel gap between each of the interlaced channel walls.

Claims 3-5, 12-14 and 21-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vandergrift in view of U.S. Patent No. 1,413,571 (Bronander). Applicants respectfully traverse this rejection for the following reasons.

For the reason given above with respect to claims 1 and 10, the Examiner fails to establish a prima facie case of obviousness. Accordingly, claims 3-5, 12-14, and 21-24 are patentable over Vandergrift in view of Bronander.

With respect to claims 4, 13, and 22, the office action completely fails to address the recitations of these claims. Accordingly, the Examiner fails to establish a prima facie case of obviousness for claims 4 and 13. In any event, Bronander discloses only two flow paths, not the recited four non-linear flow paths having different flow directions between the fluid inlet and the fluid outlet. Because the Examiner fails to establish a prima facie case of obviousness, and because Bronander fails to teach or suggest four non-linear flow paths having different flow directions between the fluid inlet and the fluid outlet, claims 4, 13, and 22 are separately patentable over Vandergrift in view of Bronander.

With respect to claims 5, 14, and 23, there is no 'inlet' at the center of the structure described in Bronander. Applicants first note that the inlet 34 is located at the periphery of the die holder 20. Moreover, presuming that Examiner is somehow reading an outlet as an 'inlet', the outlet port 43 is located off-center. A boss 29 is located at the center of the holder 20. Because Bronander fails to teach or suggest the inlet 34 (or the outlet 43) at a center of the holder 20, claims 5, 14, and 23 are separately patentable over Vandergrift in view of Bronander.

With respect to claim 24, no substantive rejection is made for the recitations of claim 24. Accordingly, the Examiner fails to establish a prima facie case of obviousness and claim 24 is patentable over Vandergrift over Bronander.

With respect to claims 21-24, these claims depend from claim 19 which recites, among other things, an electronic component. The Examiner admits that Vandergrift fails to describe a combination with an electronic component. Bronander likewise fails to teach or suggest this claim recitation. Applicants presume this rejection to be an editorial error which will be corrected in the next office action. In any event, claims 21-24 are clearly patentable over Vandergrift in view of Bronander.

Claims 6, 15 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vandergrift in view of the publication allegedly made by Frass (Fraas). Applicants respectfully traverse this rejection for the following reasons.

Applicants previously noted that no evidence of the date of the Fraas reference has been provided and that the single page of the reference relied upon does not provide enough context to properly analyze the legality of any proposed modification. The Examiner has declined to improve the evidentiary status or the context of the Fraas reference. This is clear legal error.

With all due respect, a date entered into a PTO-892 is not legally sufficient evidence. The Examiner should have no issue with providing the title page of the

publication together with a copyright date or date of publication. Moreover, the Examiner should appreciate that the contents of a document may be subject to numerous interpretations which likewise depend on the context of the contents. For example, the Examiner has the burden of considering those portions of a reference which teach away from claimed subject matter. Just as the Examiner does not have the discretion of relying on only select pages of a U.S. Patent document, the Examiner cannot just pick and choose which portions of a publication to provide to applicants. This is particularly true in the present case, where the alleged 1965 publication is not otherwise readily available to applicants and is presumably within the Examiner's control. The Examiner should either provide the applicants with the entire publication (or at least the entire relevant chapter) or withdraw the rejection for lack of sufficient evidentiary support.

With the limited information provided (and presuming for the sake of argument that the reference is in fact prior art), the Fraas reference appears to teach away from the proposed combination. Fraas suggests that tapered fins are not useful except for castings (e.g. see p. 33 top of second column). Vandergrift suggests a structure that is to be manufactured without casting (e.g. made from steel instead of cast iron, see col. 1, lines 10-18). Accordingly, based on the teaching of Fraas, one of ordinary skill in the art would not be motivated to use tapered fins in the device of Vanbdergrift.

With respect to claim 24, this claims depend from claim 19 which recites, among other things, an electronic component. The Examiner admits that Vandergrift fails to describe a combination with an electronic component. Fraas likewise fails to teach or suggest this claim recitation. Applicants presume this rejection to be an editorial error which will be corrected in the next office action. In any event, claim 24 is clearly patentable over Vandergrift in view of Fraas.

Claims 19-20 and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vandergrift in view of U.S. Patent No. 5,198,752 (Miyata). Applicants respectfully traverse this rejection for the following reasons.

Claim 19 recites, among other things, at least two fluid flow paths having different flow directions between the fluid inlet and the fluid outlet. For the reasons given above in connection with claims 1 and 10, the Examiner fails to meet the burden of reading the references on this claim recitation and Vandergrift fails to teach or suggest this claim recitation. Miyata fails to make up for the deficiency in Vandergrift.

Accordingly, because the Examiner fails to establish a prima facie case, and because the references, individually and in combination, fail to teach or suggest at least two fluid flow paths having different flow directions between the fluid inlet and the fluid outlet, claim 19 is patentable over Vandergrift in view of Miyata. Dependent claims 20 and 25-26 are likewise patentable.

Claim 20 is separately patentable because Vandergrift fails to teach or suggest channel gaps between each of the interlaced channel walls.

With respect to claims 25-26, MPEP § 2112 sets forth the burdens on the Examiner required to prove inherency. The Examiner fails to meet these burdens.

In view of the foregoing, favorable reconsideration and withdrawal of the rejections is respectfully requested. Early notification of the same is earnestly solicited. If there are any questions regarding the present application, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

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Date

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO to 571-273-8300: Commissioner for Patents, PO BOX 1450, Alexandria, VA 22313-1450 on February 15, 2006

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